come to the House and they should make it clear as to what the Government's opinion is on this allegation.

THE DEPUTY CHAIRMAN: That has nothing to do with his personal explanation.

SHRI M. A. BABY: Madam, since the Minister is going to speak, for his benefit, I would like to ask...

THE DEPUTY CHAIRMAN: No, no.

SHRI M. A. BABY: He can reply together. (*Interruptions*) I just want to know whether the hon. Minister and the hon. Minister Alvaji, both of them had visited the Chieff Election Commissions in connectoin with what is happening in Tripura. (*Interruptions*)

THE DEPUTY CHAIRMAN: No, no. I am not allowing anything.

SHRI M. A. BABY: That may also be explained to us. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr Salim, you may be the baby of the House. But sometimes you must take the cue from the real Babys. Let the Minister answer

RE. PERSONAL EXPLANATION BY SHRI SANTOSH MOHAN DEV

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): Madam, I never thought that in the House I would have to discuss about certain matters concerning the Chief Election Commissioner of India. As far as my knowledge about parliamentary democracy goes, the matter pertaining to the Election Commissioner and his various orders normally are not discussed on the floor of the House. Since you have allowed some Special Mention and in the course of the Special Mention the order of the Chief Election Commissioner has been made an issue in this House, with a heavy heart I have to bring before this House certain facts without meaning anything to the office of the Chief Election Commissioner of India. I want to repeat that my intention to raise certain points in those orders is not to in any way show disrespect to the Chief Election Commissioner of India or personally to Mr Seshan. And with these words, I would like to place certain things and facts before the House. And I will honestly request the hon. Members who have raised it that they give me the chance to lay these before the House. And I am happy that they have raised the issue and it gives me a golden opportunity to place it before this House because this is an issue on which the whole nation is rather agitated. There were so many editorials in news-

Madam, in my hand, I have got a report on the basis of which the Chief Election Commissioner of India has said that this report is not acceptable to him. I do not want to read this 6-page report. I will read only the conclusion of the report, and I do not know whether I am going beyond the rules and other things. If anything comes aainst me for mentioning the report of the Election Commissioner, I will seek our protection as you have asked me and given me the chance...

SHRI P. UPENDRA (Andhra Pradesh): If he quotes, he has to lay it on the Table.

SHRI YASHWANT SINHA: If you quote, then you will have to lay it on the Table of the House. (*Interruptions*)

SHRI SONTOSH MOHAN DEV: I will sign it and lay it on the Table of the House. I will also expect the hon. Members who have quoted previously that they will also sign it and lay it on the Table. There should not be different standards for both of us.

Madam, the conclusion of Mr Arya—

> "From the statement given by the complainant Shri Dasarth Dev, cross verification with the concerned officers, it is clear the allegatoin of holding secret meetings with the Returning Officers of SDOs of Dharmanagar, Kailashahar, Kamalpur, Chunamura, Belonia Sabrak and also with police officers of this Sub Division seems to be absolutely false..."

I repeat, absolutely false—"and based

on hearsay. Not a single officer examined during the enquiry had confirmed or given any indication that he was asked or persuaded by Shri S. M. Dev to work in favour of Congress candidates." (*Interruptions*)

SHRI RAMACHANDRAN PILLAI (Kerala): Madam, there are two reports...

THE DEPUTY CHAIRMAN: I am not permitting.

SHRI RAMACHANDRAN PILLAI: Madam, there are two reports...

THE DEPUTY CHAIRMAN: I am not permitting you anything. (*Interruptions*)

SHRI SONTOSH MOHAN DEV: I will sign it and lay it on the Table of the House.

THE DEPUTY CHAIRMAN: I am sorry. I said right at the beginning that when he is giving a personal explanation, there is not going to be any discussion. If you have any objections, you may raise them later. But please don't ge up; I am not permitting.

SHRI RAMACHANDRAN PILLAI: I am asking as to which report he is referring to, because there are three reports.

SHRI SONTOSH MOHAN DEV: Yes, I will tell you. This is... (*Interruptions*).

SHRI DIPEN GHOSH: The report of Mr. Arya, Chief Electrical Officer of Tripura, had given a clean chit to Mr. Sontosh Mohan Dev. That report has been rejected by Mr. Seshan and he has ordered another enquiry. He has asked for a fresh report... (*Interruptions*).

THE DEPUTY CHAIRMAN: No, I am not permitting. Please sit down.

SHRI SONTOSH MOHAN DEV: Let me finish. If you do not give me the chance, how can I sotisfy you? Madam, the hon. Members asked which report I am referring to. This is the latest report, not the first one. About the first report Mr. Seshan said that it was rubbish. This is the report of 25th February 1993

SOME HON. MEMBERS: By whom?

SHRI SONTOSH MOHAN DEV: This is by the Electoral Officer of Tripura. The first report was rejected by Mr. Seshan as it was given by the D.G. Police and the Chief Secretary on the request of the Chief Electoral Officer of Tripura. He said it was rubbish. After that he took evidence of 35 officials. I have got the official report and I will read out some portion for convenience of the House and from that, hon. Members can come to a conclusion. It is dated 25th February and I will sign it and lay it before the House. I own full responsibility for it.

SHRI S. JAIPAL REDDY: Madam, I am on a point of order. He is a Minister; he is not a Member. He is a Minister and he is reading from an official report. He should tell us how he obtained a copy of this report. This is a confidential report sent by the Chief Electoral Officer of Tripura to the Chief Election Commissioner. I would like to know how a Minister of State in the Union Cabinet managed to obtain a copy ow this report.

SHRI SONTOSH MOHAN DEV: I am not going to answer. All that I can say is, the source from whom they have got it, is the source from whom I got it.... (*Interruptions*).

SHRI S. JAIPAL REDDY: Madam,...

THE DEPUTY CHAIRMAN: You may conclude now, Mr. Sontosh Mohan Dev.

SHRI S. JAIPAL REDDY: Madam, I am on a point of order.

SHRI SONTOSH MOHAN DEV: Let me finish. You can raise it later.

SHRI S. JAIPAL REDDY: I am on a point of order, and my point of order is formulated on the basis of substantive distinction that exists between an hon. Member and the hon. Minister. An hon. Member is entitled to lay and au-

thenticate such secret reports. The hon. Ministers are not entitled to do so. I am making this assertion and my point of order is based on this formulation and I want the Chair to give a ruling.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am really surprised that hon. Mr. Jaipal Reddy is raising frivolous objections. We are observing what is the cardinal principle of natural justice and let us not fail in our duty. (*Interruptions*). If you want, I can get a copy of this report by 4 o'clock today ... (Interruptions) ... officially.

SHRI S. JAIPAL REDDY: But not the Minister.

SHRIMATI MARGARET ALVA: This is a public document.

SHRI V. NARAYANASAMY: This is a public document.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes, that is what I am coming to. The proceedings before the Chief Election Commissioner are neither privileged nor are they secret. They pertain to the working of democracy in our country and they are open to inspection. Anybody can obtain copies of it as in the case of any other public document. For example, you can go and obtain copies of any order from the court. The Election Commission also performs quasi-judicial functions adn e are entitled. Therefore, Madam, the point of order raised by Mr. Reddy is frivolous and I would request you to permit the hon. Minister to complete.

SHRI S. JAIPAL REDDY: He is wrong. This is not a public document. (*Interruptions*)

SHRI KAMAL MORARKA (Rajasthan): Madam, if what Mr. Bhandare says is correct, the Minister need not have said that he got the document from the same source as the hon. Member. (*Interruptions*) If the document is available to everybody, the hon. Minister could have said that he got it from the Election Commission

SHRI DIPEN GHOSH: Madam, I am on a point of order. (*Interruptions*)

SHRI S. JAIPAL REDDY: Is it a public document or a classified document? Let him answer that. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Minister, you officially got the document?

SHRI SONTOSH MOHAN DEV: No. (*Interruptions*) These are the documents....

SHRI DIPEN GHOSH: This is my point of order, Madam... (*Interruptions*)

SHRI SONTOSH MOHAN DEV: These are circulated in the ... (*Interruptions*)

THE DEPUTY CHAIRMAN: Let me hear him, please. (*Interruptions*). He did not complete his answer. (*Interruptions*) Let him finish.

SHRI DIPEN GHOSH: Madam, your question was very simple. You asked him whether he received the document in his official capacity. He said 'No'. (*Interruptions*).

SHRI SONTOSH MOHAN DEV: Madam, I am sorry to say that they are... (*Interruptions*) I met Mr. Seshan. (*Interruptions*) Let me finish. I met Mr. Seshan either on Friday or Thursday. (*Interruptions*).

THE DEPUTY CHAIRMAN: Order please, (*Interruptions*)

SHRI SONTOSH MOHAN DEV: During the course of the discussion, he gave all these documents to me. I did not apply.

SHRI DIPEN GHOSH: I am on a point of order, Madam. (*Interruptions*)

THE DEPUTY CHAIRMAN: I have to adjourn the House. The House is adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at thirty-three minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock, **The Vice-Chairman (Shri Syed Sibtey Razi)** in the Chair.

Re. **Personal explanation by Shri Sontosh Mohan Dev**—Contd.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): We will now take up special mentions.

SHRI P. UPENDRA (Andhra Pradesh): What about the other matter?

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): What about the personal explanation of Shri Sontosh Mohan Dev?

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Shri R. Ganesan. (*Interruptions*) I think that matter was over.

SOME HON. MEMBERS: It was not over.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): The man is not here. So, the matter is over.

SHRI DIPEN GHOSH (West Bengal): Mr. Vice-Chairman, when the House was adjourned, Shri Sontosh Mohan Dev was on his legs to give his personal explanation. Has he given up his personal explanation?

THE VICE-CHAIRMAN (SHRI SYED SIBTY RAZI: when Mr. Sontosh Mohan Dev is not here, I presume that he has completed whatever he wanted to say.

PROF. SAURIN BHATTACHARYA (West Bengal): He is not here, it falls through.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): You cannot reach such conclusions. Anyway, we are taking up the special mentions. In the meantime if he comes, we will see. Shri R. Ganesan.

SHRI P. UPENDRA: I have a point of order.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Yes, Mr. Upendra. (*Interruptions*) One by one, please.

SHRI P. UPENDRA: I have a point of order.

SHRI V. NARAYANASAMY (Pondicherry): What is the subject? Without any subject....

SHRI P. UPENDRA: In the pre-lunch session we followed a procedure which was not advisable under the rules. Therefore, for the future we should know this.

Rule 241 of the Rules of Procedure and Conduct of Business of this House says:

> "A member may, with the permission of the Chairman, make a personal explanation..."

It refers only to a Member of the House. In Chapter 18 of Kaul and Shakdher also various forms of personal explanation have been mentioned. It is a question of personal explanation by a Member. Of course, in this case he sought to make a personal explanation as a Member. If it is as a Minister, it will become a statement of the Government; it cannot be a personal explanation. If he is making a statement as a Minister, it becomes a statement of the Government. He should say that he is making a statement as a Minister. But he wanted to make a personal explanation. In Kaul and Shakdher it has been mentioned that in cases where certain allegations were made in the other House against a Member of the Lok Sabha, the Speaker has permitted the affected Member to make a personal explanation in that House to clarify his position. That means, Mr. Sontosh Mohan Dev has to give a personal explanation in the Lok Sabha as a Member of the Lok Sabha. In that case also, the Speaker forwarded that personal explanation to the Chairman of the Rajya

Sabha on 4.4.70. The personal explanation was given on 1.4.70 by the Member. Because the allegations were made in the Rajya Sabha, the Speaker informed the Chairman of the Rajya Sabha, "This is the personal explanation made by the Member of this House. Please inform them." The Chairman, on 4.4.70 referred to that personal explanation and informed the Members, "This is his explanation made in the Lok Sabha. Therefore, in future, when you make allegations against Members from the other House, please be careful." That was the Chairman's observation. Therefore, it is completely beyond the rules to allow Mr. Santosh Mohan Dev to make a personal explanation here in this House. Therefore, I plead that all those pre-lunch proceedings should be deleted from the record.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Mr. Upendra, I think, when the presiding officer permitted Mr. Santosh Mohan Dev. to make his personal explanation, that was the time when you could have raised that objection... (*Interruptions*) Let me complete. As he has already stated his point of view, I think, there is no need to expunge it from the record.

SHRI P. UPENDRA: It is not permitted under the rules... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): I am not going into the merits of the arguments which you have put here. But this is not the time. He has already made his explanation.

SHRI P. UPENDRA: No, No, he did not make his explanation.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): The Chair gave him the permission. So, next time when such a situation comes, you can raise this... (*Interruptions*).

Now we proceed with the regular business of special mentions.

Shri R. Ganesan.

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : श्रीमन्, क्या उनका वक्तव्य पूरा हो गया ? पार्लियामेंटरी अफेयर्स मिनिस्टर साहब बैठे हैं । वह बतायें कि कि क्या उनका वक्तव्य पूरा माना जाय या उन्हें कंटीन्यू करना है ? अगर कंटीन्यू करना है तो अभी उन्हें यहां होना चाहिये । उनको बताना चाहिये कि उनका वक्तव्य पूरा हो गया या नहीं । अगर हो गया तो हम आगे बढ़ेंगे नहीं तो नहीं बढ़े । .... **(व्यवधान)**

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Mathur Saheb, I have got your point. Let me say something, Mr. Mathur. I have got your point.

श्री एस०एस० अहलुवालिया (बिहार): चेयर कह रही है कि यह मामला खत्म हो गया .. **(व्यवधान)**

श्री जगदीश प्रसाद माथुर : क्या आपको इंफोमशन है ? चेयर का यह कहना है कि आपको उन्होंने इंफोमशन दी है क्या कि यह खत्म हो गया ? **(व्यवधान)**

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): As you yourself have said, ...

SHRI DIPEN GHOSH: Is it a fact that he does not want to continue his personal explanation, or is it a fact that he should not have been allowed to make a personal explanation under the rules, as Mr. Upendra has pointed out?

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): I have given my ruling about the point whch was raised by Mr. Upendra. I think there is no need to repeat it again.

As regards whether the Mnister has completed it or not, when he himself was not present here, I took it that he has completed it. But, as Mr Mathur is insisting, I would request the hon. Minister of state for Parliamentary Affairs to ascertain whether the Minister wants to continue or he has concluded his statement... (*Interruptions*).

[Shri Syed Sibtey Razi]
Please. The Minister is on his legs.

वित्त मंत्रालय में राज्य मंत्री और संसदीय कार्य मंत्रालय में राज्य मंत्री (डा० अबरार अहमद) : मैं यह बहुत साफ तौर से कहना चाहता हूं कि इसमें पार्लियमेंटरी अफेयर्स मिनिस्टर का कोई लेना देना नहीं है...सुनिये..(व्यवधान)

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Mr. Minister, (*Interruptions*). Mr. Minister, please listen to the Chair. (*Interruptions*). Mr. Minister, please, listen. What I have said is that you kindly ascertain whether the Minister wanted to continue further or he has already finished his point of view. You kindly get it confirmed from him. O.K. In the meantime.. (*Interruptions*). You, please sit down. I am not permitting you. In the meantime I would request Mr. R. Ganesan to continue with his Special Mention. (*Interruptions*). Now the matter is over. I have taken the name of Mr. Ganesan. (*Interruptions*). No. Mr. Salim, please co-operate with me.

SHRIMATI SUSHMA SWARAJ (Haryana): Mr. Vice-Chairman, Sir.

THE VICE-CHAIRMAN (SHRI SYED SIBTEY RAZI): Sushma Ji, I am not going to repeat that. The matter is over. When the Minister comes again, you raise your point. (*Interruptions*). Now, that matter is over. A Special Mention has started. When the Minister for Parliamentary Affairs intervenes on the subject, about which I have instructed him, you raise your point at that point of time. (*Interruptions*) Please, Mr. Mathur. We have very short time at our disposal and we have to take up a lot of business. (*Interruptions*).

SPECIAL MENTIONS—Contd.

Plight of Madras Port Trust Employees

SHRI MISA R. GANESAN (Tamil Nadu): Mr. Vice-Chairman, Sir, we all know that the Central Government introduced the Voluntary Retirement Scheme for public sector undertakings last year. In the recent Budget speech also, our Finance Minister has mentioned this and has also announced that he is going to extend this facility to employees of statutory authorities and local bodies.

The Madras Port Trust by its Resolution No. 229, dated 21.3.1992 has wholly approved and introduced the Voluntary Retirement Scheme, 1992 for its Officers in Class I and II Services and its employees and workers in Class III and IV Services of Madras Port Trust.

The Trust obtained sanction for the same from the Central Government on 24.4.1992 vide Ministry of Surface Transport letter No. LB-16016/11/92-LII and gave it effect from 1.5.1992. Basing on the sanction of the Ministry of Service Transport, the Chairman, Madras Port Trust had issued a circular on 4.5.1992 for introduction of this scheme in Madras Port Trust.

This circular contains three things: (1) eligibility; (2) benefits and (3) the procedure for the Voluntary Retirement Scheme.

Those who have completed 10 years of service or those who have completed 40 years of age are eligible to opt for this Scheme.

In the head 'benefits', two types of benefits are mentioned in the Circular — (a) normal benefits and (b) special benefits.

The special benefit is in regard to exgratia payments. An employee whose request for voluntary retirement is request for voluntary retirement is entitled to an exgratia payment equivalant to one-and-a-half month emoluments (pay plus D.A.) for each completed year of service or the total monthly emoluments for the balance months of service left, whichever is less. For example, an employee, who has put in 24 years of service and has got only one year of service for normal retirement, will get